

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MICHAEL STOCKDALE,)
)
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Plaintiff,)
)
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v.) No. 1:06-CV-25 CAS
)
)
CHUCK DWYER, et al.,)
)
)
Defendants.)

ORDER

This matter is before the plaintiff's Motion to Strike Defendants' Reply to Plaintiff's Motion in Opposition to Defendants' Motion for Summary Judgment. Plaintiff contends that the defendants have acted improperly in filing a reply [Doc. 44] to plaintiff's memorandum in opposition [Doc. 43] to the defendants' summary judgment motion [Doc. 36], as such a reply is not permitted by Rule 7, Federal Rules of Civil Procedure.

Plaintiff's motion to strike is without merit and will be denied. Plaintiff's reliance on Rule 7, which governs pleadings, is entirely misplaced. The issue of what briefing is permitting in connection with motions is governed by Rule 4.01 of the Local Rules of this Court. Rules 4.01(A)-(C) permit the filing of a motion with a memorandum in support, a memorandum in opposition to the motion filed by the non-moving party, and a reply memorandum in support of the motion filed by the moving party. Plaintiff has confused the crucial distinction between a reply to an answer, which is not permitted absent leave of Court, see Rule 7, Fed. R. Civ. P., and a reply in support of a motion, the document at issue here, which is permitted by Local Rule 4.01(C).

The Court notes that plaintiff has filed reply memoranda in support of motions to compel that he filed in this case. See Doc. 38 (reply in support of Doc. 34, plaintiff's motion to compel); Doc. 42 (reply in support of Doc. 39, plaintiff's motion to compel).

Accordingly,

IT IS HEREBY ORDERED that Motion to Strike Defendants' Reply to Plaintiff's Motion in Opposition to Defendants' Motion for Summary Judgment is **DENIED**. [Doc. 46]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 16th day of May, 2007.